

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-7, 9-16, and 18-30 are pending in the present application.

In the outstanding Office Action, Claims 1-6, 9-16, and 18-30 are rejected under 35 U.S.C. §112, second paragraph; Claims 1-3, 5, 7, 9-12, 14, 16, 18-20, 23, 24, and 27-30 were rejected under 35 U.S.C. §103(a) as unpatentable over Vandevoorde et al. (U.S. Patent No. 6,246,342, hereinafter "Vandevoorde") in view of Munro et al. (U.S. Patent Application Publication No. 20020089549, hereinafter "Munro"); and Claims 4, 6, 13, 15, 21, 22, 25, and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over Vandevoorde in view of in view of Munro and further in view of Takishita (U.S. Patent No. 6,121,900).

With regard to the rejection of Claims 1-6, 9-16, and 18-30 under 35 U.S.C. §112, second paragraph, that rejection is respectfully traversed.

Claim 1 recites in part "a selector configured to select from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport." The outstanding Office Action asserted that the phrase "configured to select" is indefinite as it is unclear if any selection is being performed. However, it is respectfully noted that Claim 1 is an apparatus claim. In this regard, "a selector" is a structural element rather than a method step. As well settled case law holds that the structure of an apparatus claim may be defined functionally,¹ it is respectfully submitted that "a selector configured to select" defines a selector that includes structure that can perform the selection function recited in the claim element, in accordance with *In re Schreiber*. Thus, it is respectfully submitted that the use of "configured to" phrases in

¹While features of an apparatus may be recited either structurally *or functionally*, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (Emphasis added.) See also MPEP §2214.

apparatus elements is in compliance with all requirements under 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully requested that the rejection of Claims 1-6, 9-16, and 18-30 under 35 U.S.C. §112, second paragraph be withdrawn.

With regard to the rejection of Claim 1 as unpatentable over Vandevoorde in view of Munro, that rejection is respectfully traversed.

Claim 1 recites in part, “a selection mechanism configured to center the view of the airport on a different one of plural predetermined portions of the airport each time the selection mechanism is activated.”

The outstanding Office Action cited controls 230 of Munro as describing this element.² Controls 230 of Munro include a button labeled “Center,” which paragraph 32 of Munro describes as “centering *the* image in the window.” (Emphasis added). Thus, the “Center” button of Munro only centers *one* selected image in the window. Certainly all of the images shown in Figures 2-7 of Munro cannot be simultaneously centered, and there is no teaching or suggestion in any part of Munro to cyclically center the multiple images shown in Figures 2-7 each time the “Center” button is activated. Thus, the “Center” button of Munro does not center *a different one of plural predetermined portions of any image or images each time the “Center” button is activated*. As noted above, it is respectfully submitted that no portion of Munro teaches or suggests such a feature. Accordingly, Munro does not teach or suggest “a selection mechanism” as defined in Claim 1.

Accordingly, as all of the elements of Claim 1 are not taught or suggested by Vandevoorde and Munro, Claim 1 (and Claims 2-7, 9, 19-22, 27, and 29 dependent therefrom) is patentable over Vandevoorde and Munro.

²See the outstanding Office Action, page 8, lines 16-18.

As independent Claim 10 recites similar elements to Claim 1, Claim 10 (and Claims 11-16, 18, 23-26, 28, and 30 dependent therefrom) is also patentable over Vandevoorde and Munro.

Further, it is respectfully submitted that Claim 5 recites subject matter that further defines over Vandevoorde and Munro. Claim 5 recites "the selection mechanism is further configured to *cyclically* select the different one of the plural predefined portions of the airport on which the view of the airport is centered each time the selection mechanism is activated."

The outstanding Office Action again cited controls 230 described in paragraph 32 of Munro and Figures 2-7 of Munro as describing this feature. However, as noted above, there is no teaching or suggestion in any part of Munro to *cyclically* center the multiple images shown in Figures 2-7 each time the "Center" button is activated. Consequently, Claim 5 (and Claim 14 which recites similar subject matter as Claim 5) further patentably defines over Vandevoorde and Munro.

In addition, it is respectfully submitted that Claim 9 recites subject matter that further defines over Vandevoorde and Munro. Claim 9 recites "the control unit is configured to *display two different degrees of zoom in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display.*"

The outstanding Office Action again cited Figures 7 and 12-14 of Vandevoorde as describing this element. However, the cited figures of Vandevoorde do not display two different degrees of zoom *in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display*. It is respectfully submitted that no part of the description in Vandevoorde describes such a feature, and no portion of the description in Vandevoorde has been cited as teaching or suggesting such a feature. As Figures 7 and 12-14 of Vandevoorde simply illustrate *two*

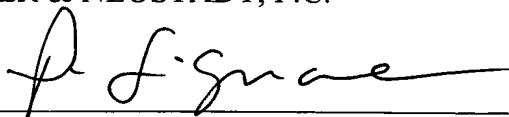
different levels of zoom in a single static screen, Vandevoorde does not describe "a control unit" as defined in Claim 9. In fact, as the apparatus described by Vandevoorde provides two different zoom levels in a single static screen, Vandevoorde teaches away from changing from a first degree of zoom to a second degree of zoom such that the change appears continuous to an operator viewing the display, as recited in Claim 9. It is further submitted that Munro also does not teach or suggest this element. Consequently, Claim 9 (and Claim 18 which recites similar subject matter as Claim 9) further patentably defines over Vandevoorde and Munro.

With regard to the rejection of Claims 4, 6, 13, 15, 21, 22, 25, and 26 as unpatentable over Vandevoorde and Munro in view of Takishita, it is noted that Claims 4, 6, 13, 15, 21, 22, 25, and 26 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Takishita does not cure any of the above-noted deficiencies of Vandevoorde and Munro. Accordingly, it is respectfully submitted that Claims 4, 6, 13, 15, 21, 22, 25, and 26 are patentable over Vandevoorde and Munro in view of Takishita.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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